

(b) The handling of immature papayas shall be limited to papaya handlers whose name appears on the committee's current list of approved immature papaya handlers established pursuant to paragraph (c) of this section. Such papayas so handled shall be exempt from grade, size, quality, and maturity regulations issued pursuant to §§ 928.52 and 928.53.

(c) Any handler who desires to handle immature papayas shall, prior thereto, file with the committee an application and agreement therefor on PAC Form 7, which shall contain the following information: (1) Name and address of the applicant; (2) an agreement that containers of immature papayas handled to destinations within the State of Hawaii shall be clearly marked "Off-Grade—Immature" or "Immature" in letters not less than one-half inch in height and further that each immature papaya, regardless of destination, shall be stamped or labeled in a uniform manner approved by the committee indicating immaturity; and (3) an agreement to promptly submit such reports on immature papayas handled at such times as may be required by the committee. The application shall be signed by the applicant or an authorized employee of the applicant and filed with the committee.

(d) If approved by the committee, the applicant's name shall be placed on the committee's list of approved immature papaya handlers. The applicant shall be notified of the committee's action.

(e) The committee may reject an application for just cause, such as a handler's past failure to comply with the requirements for the handling of immature papayas or his past failure to promptly submit reports as may be required under paragraph (c)(3) of this section and may also, for like causes, immediately suspend upon written notice, authorization previously granted a handler to handle immature papayas and remove his name from the list of approved immature papaya handlers.

[42 FR 17422, Apr. 1, 1977, as amended at 65 FR 70284, Nov. 22, 2000]

EFFECTIVE DATE NOTE: At 66 FR 29219, May 30, 2001, § 928.152 was suspended indefinitely.

§ 928.153 Minimum quantities exemption.

(a) Any producer may apply to the committee to handle papayas he or she produces direct to consumers exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55. Such application shall show:

(1) The name and address of the producer;

(2) The location of the orchard, the acreage in such orchard, and the estimated production thereof;

(3) The location at which the producer will sell the papayas to consumers; and

(4) An agreement to submit such reports as may be required by the committee.

(b) Upon approval of the producer's application, such producer may sell not to exceed a total of 100 pounds of papayas during any one day direct to consumers for home use and not for resale.

[45 FR 50325, July 29, 1980]

§ 928.160 Utilization reports.

(a) Each handler shall file with the Papaya Administrative Committee, not later than the 15th day of each month, a duly executed PAC Form 1 reporting all papayas handled by him during the immediately preceding calendar month. Such report shall include, but is not limited to, the following information:

(1) Quantity of papayas handled subject to assessments including the date and destination of each shipment;

(2) Quantity of papayas handled without regard to the assessment or regulatory provisions of the marketing agreement and order with such quantity itemized as to the amount (i) shipped to authorized commercial processors, (ii) donated to charitable organizations or relief agencies, (iii) shipped to authorized market research and development projects, and (iv) disposed of otherwise, and indicating such disposition.

(b) [Reserved]

[36 FR 22360, Nov. 25, 1971, as amended at 59 FR 38104, July 27, 1994; 65 FR 70284, Nov. 22, 2000; 66 FR 29219, May 30, 2001]

EFFECTIVE DATE NOTE: At 67 FR 50582, Aug. 5, 2002, § 928.160 was suspended.